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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PHAETHON INTERNATIONAL CO SA.,

Plaintiff,

v.

DAUNTLESS SHIPPING AND
TRADING SA, *in personam*,

Defendant.

Case No.:

ADMIRALTY

Fed. R. Civ. Pro. 9(h)

Local Admiralty Rule 3-1

**ORDER FOR ISSUANCE OF
ATTACHMENT AND GARNISHMENT**

Upon reviewing the Verified Complaint and being satisfied that the premises for the attachment of the M/V DAUNTLESS, as more particularly described in the Verified Complaint pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure have been met in this case; and this Court having determined that the conditions for a Writ of Maritime Attachment and Garnishment appear to exist;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clerk of Court is authorized to issue a Writ of Attachment and Garnishment of the M/V DAUNTLESS;

IT IS FUTHER ORDERED that the Clerk of the Court shall issue further, supplementary writs of maritime attachment and garnishment, on request of the Plaintiff and without further Order of the Court;

IT IS FURTHER ORDERED that the United States Marshal is authorized to allow

1 normal cargo operations, both discharging and loading, repair works, and to shift berths
2 (consistent with the U.S. Marshal's requirements), always remaining within this judicial
3 district, but at the risk and expense of the vessel's interests.

4 IT IS FUTHER ORDERED that a copy of this Order be attached to and served with
5 said Writ of Attachment and Garnishment;

6 IT IS FURTHER ORDERED that the U.S. Marshal is released and held harmless for
7 any and all costs, fees, liabilities, or other expenses in any way arising out of the attachment of
8 the M/V DAUNTLESS; and

9 IT IS FURTHER ORDERED that charges and expenses incurred by the U.S. Marshal
10 and/or any substitute custodian to be appointed shall be deemed *in custodia legis*, and will be
11 paid from the proceeds of sale from the vessel unless otherwise agreed. If a written objection
12 is timely filed, payment of the disputed charges only shall be made after the objection is
13 resolved by agreement of the parties or by Court Order. Payment of the undisputed charges
14 shall not be affected.

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1 IT IS FURTHER ORDERED that the Vessel may be released from attachment without
2 further order of this court, if the Marshal receives written authorization from the attorney who
3 requested the attachment and that such attorney advises that he has conferred with all counsel
4 representing all of the parties to the litigation and they consent to the release, if the attorney
5 files the consent, and the Court has not entered an Order to the contrary; and Plaintiff shall
6 hold harmless and indemnify the United States of America, the United States Marshal, their
7 agents, servants, employees, from any and all claims arising from the attachment and release
8 of the vessel as is herein specifically provided.

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11 Witness, the Honorable Jeffrey S. White, Judge of the United States
12 District Court for the Northern District of California this 28th day of August 2015.

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14 Judge
United States District Court for the
Northern District of California

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16 By: Jeffrey S White
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